

**SPECIAL PROCEDURES SUBMISSION****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted to Office of Petitions, 703-872-9306, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 22, 2005

RECEIVED  
CENTRAL FAX CENTER  
FEB 22 2005

Sonia V. McVean  
Sonia V. McVean

Patent  
36856.472

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hajime KANDOU et al.	Art Unit: 2834
Serial No.: 09/840,359	
Filed: April 23, 2001	Examiner: K. Addison
Title: SURFACE ACOUSTIC WAVE DEVICE	

**PETITION UNDER 1.313(b)(5) TO WITHDRAW APPLICATION FROM ISSUE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.313(b)(v), Applicants hereby petition to withdraw the above-identified patent application from issue in order to have the Patent Office consider the concurrently filed Information Disclosure Statement and two (2) prior art references cited therein.

U.S. Application No. 09/840,359  
February 22, 2005  
Page 2 of 2

Applicants have also filed herewith a Request for Continued Examination for this application to have the Information Disclosure Statement and two (2) prior art references cited therein considered by the Examiner and cited among the References Cited on the patent to issue from this application.

Applicants have enclosed a credit card authorization form in the amount of \$130.00 to pay the Fee due under 37 CFR § 1.17(h) for filing this Petition.

Applicants authorize the Commissioner to charge Deposit Account No. 50-1353 for any additional amounts owed in relation to this patent application.

Respectfully submitted,

Date: February 22, 2005

  
Christopher A. Bennett  
Attorney for Applicant(s)  
Reg. No. 46,710

**KEATING & BENNETT LLP**  
10400 Eaton Place, Suite 312  
Fairfax, VA 22030  
Telephone: (703) 385-5200  
Facsimile: (703) 385-5080.